

EXHIBIT 8

CONFIDENTIAL

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

KELLY WILSON,) No.
) 3:14-CV-01441-VC
Plaintiff,)
)
vs.)
)
THE WALT DISNEY COMPANY,)
DISNEY ENTERPRISES, INC.,)
WALT DISNEY PICTURES, and)
WALT DISNEY MOTION PICTURES)
GROUP, INC.,)
)
Defendant.)
_____)

DEPOSITION OF JAMES MCDONALD
Los Angeles, California
Wednesday, February 25, 2015
Volume I

Reported by:
ROCHELLE HOLMES
CSR No. 9482
Job No. 2021493
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1 THE WITNESS: I feel that I am an expert when it
2 comes to writer credit determination issues and writer
3 credit issues with regard to screenplays. I have spent
4 four decades analyzing and developing screenplays. I
5 have worked for every studio, several production
6 companies. I am consulted by writers when they are
7 developing screenplays. I have consulted with writers
8 in regard to arbitration with the WGAW. I have
9 consulted with studio executives on writer issues. And
10 I, over the last 23 years, I have done a forensic
11 analysis on the development process of well over 50, 60
12 animated films.

13 Q BY MR. GIGNAC: Okay. Do you consider yourself
14 to be an expert on the determination of whether a work
15 is an original piece of work?

16 MR. KLAUS: Object to the form of the question.

17 THE WITNESS: That is a very broad question. Will
18 you define "original" for me?

19 Q BY MR. GIGNAC: Let me ask you this. Do you
20 think that The Snowman created by Kelly Wilson is an
21 original work?

22 A Yes, it is an original work.

23 Q Okay. Do you consider yourself to be an expert
24 on the question of whether or not one work infringes
25 upon the copyright of another work?

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1 MR. KLAUS: Object to the form of the question.

2 THE WITNESS: I am not a lawyer, so as to whether
3 one work infringes on another as far as copyright law
4 goes, no. However, in regard to substantial similarity
5 between two works, yes. I usually am hired for a very
6 specific reason, to compare two works to filter out what
7 is an abstract idea from what is the concrete expression
8 of ideas. So on that specific area, yes, I think I am
9 an expert.

10 Q BY MR. GIGNAC: Okay. Do you consider yourself
11 to be an expert on the issue of whether or not one work
12 has plagiarized elements from another work?

13 MR. KLAUS: What do you mean by "plagiarized"?

14 MR. GIGNAC: Is that an objection?

15 MR. KLAUS: Yes. What do you mean by
16 "plagiarized"? It's vague and ambiguous.

17 Q BY MR. GIGNAC: Do you understand what
18 plagiarized means?

19 A My understanding of plagiarized means someone
20 has borrowed, copied, used someone else's work.

21 Q Perfect. With that definition in mind, do you
22 consider yourself to be an expert on the issue of
23 whether or not one work has plagiarized elements from
24 another work?

25 MR. KLAUS: Objection. Are you asking a different

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1 question than the one about copying?

2 THE WITNESS: Once again, I'm not an expert on
3 copyright law. I'm an expert on counseling similarities
4 and I have an opinion based on my expertise and
5 experience as to whether there is substantial enough
6 similarity between two works where maybe someone did
7 borrow it.

8 Q BY MR. GIGNAC: Do you have any plans or
9 expectations to do additional expert work in connection
10 with this litigation other than possibly testifying at
11 trial?

12 A I have no idea what's going to happen after
13 this deposition.

14 Q All right. In other words, you don't have any
15 pending assignments or things that you still need to
16 conclude?

17 A No, I don't.

18 Q Is there anyone -- strike that.

19 Is there anyone that assisted you in connection
20 with your work as an expert in this case? And I mean
21 beyond counsel. And I'm not trying to suggest counsel
22 necessarily assisted you, but I want to exclude them
23 from the question.

24 A No.

25 Q So you don't have anybody that you were working

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1 I, JAMES MCDONALD, do hereby declare under
2 penalty of perjury that I have read the foregoing
3 transcript of my deposition; that I have made such
4 corrections as noted herein, in ink, initialed by me, or
5 attached hereto; that my testimony as contained herein,
6 as corrected, is true and correct.

7
8 EXECUTED this _____ day of _____,
9 20__, at _____, _____.
(City) (State)

10
11
12 _____
JAMES MCDONALD

13 Volume I
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1 I, Rochelle Holmes, the undersigned, a
2 Certified Shorthand Reporter of the State of California,
3 do hereby certify:

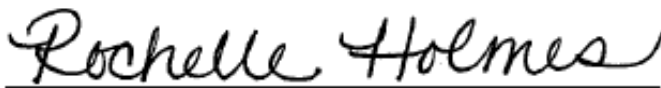
4 That the foregoing proceedings were taken
5 before me at the time and place herein set forth; that
6 any witnesses in the foregoing proceedings, prior to
7 testifying, were administered an oath; that a record of
8 the proceedings was made by me using machine shorthand
9 which was thereafter transcribed under my direction;
10 that the foregoing transcript is a true record of the
11 testimony given.

12 Further, that if the foregoing pertains to the
13 original transcript of a deposition in a Federal Case,
14 before completion of the proceedings, review of the
15 transcript [] was [X] was not requested.

16 I further certify I am neither financially
17 interested in the action nor a relative or employee
18 of any attorney or any party to this action.

19 IN WITNESS WHEREOF, I have this date subscribed my
20 name.

21 Dated: March 10, 2015

22
23 

24 Rochelle Holmes

25 CSR No. 9482, CCRR No. 0123